

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MABRY MANAGEMENT CO INC.,)	Case No. CV 14-3235-UA (PJWx)
)	
Plaintiff,)	[PROPOSED] ORDER SUMMARILY REMANDING
)	IMPROPERLY-REMOVED ACTION
v.)	
)	
ROGER RODRIGUEZ, ET AL.,)	
)	
Defendants.)	
)	

Before the Court is an unlawful detainer action that has been removed from the Los Angeles County Superior Court. For the following reasons, the case is summarily remanded to the Superior Court.

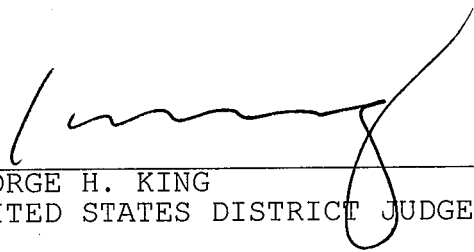
On April 28, 2014, Defendant Roger Rodriguez, having been sued in the Superior Court of Los Angeles in what appears to be a routine unlawful detainer action, removed the action to this court. Simply put, because Plaintiff could not have brought this action in federal court in the first place (because there is no subject matter jurisdiction), Defendant cannot remove it to this court. See 28 U.S.C. § 1441(a); and *Exxon Mobil Corp. v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563 (2005). The case does not meet the requirements of 28 U.S.C. § 1331 because it does not raise a federal question.

1 Defendant's attempt to convert the case into a federal one by raising
2 the federal Civil Rights Act (42 U.S.C. § 1983) as a defense does not
3 alter the analysis. In determining whether there is federal question
4 jurisdiction, the Court looks only to the claims raised in the
5 complaint, not to Defendant's defenses. *See Vaden v. Discover Bank*,
6 556 U.S. 49, 60 (2009) ("Federal jurisdiction cannot be predicated on
7 an actual or anticipated defense."). Further, there is no diversity
8 jurisdiction under 28 U.S.C. §§ 1332 because, even if Defendant could
9 establish that the parties are diverse, it is clear from the Complaint
10 that the amount in controversy is less than \$10,000.

11 Accordingly, IT IS ORDERED that (1) pursuant to 28 U.S.C.
12 § 1447(c), this matter is REMANDED to the Superior Court of
13 California, County of Los Angeles, 275 Magnolia Avenue, Long Beach,
14 California 90802; (2) the clerk shall send a certified copy of this
15 Order to the state court; and (3) the clerk serve copies of the Order
16 on the parties.

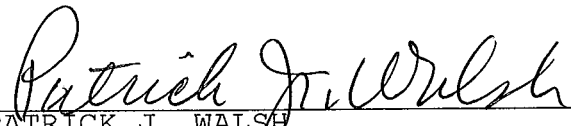
17 IT IS SO ORDERED.

18 DATED: 5/2/14



GEORGE H. KING
UNITED STATES DISTRICT JUDGE

21 Presented by:

22
23 
24 PATRICK J. WALSH
25 UNITED STATES MAGISTRATE JUDGE

26
27
28 S:\PJW\Cases-IFP\Civil duty IFP denials\Rodriguez.wpd